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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,262	10/04/2000	Geoffrey B. Rhoads	60304	7124
23735	7590	07/14/2004	EXAMINER	
DIGIMARC CORPORATION 19801 SW 72ND AVENUE SUITE 250 TUALATIN, OR 97062				THOMPSON JR, FOREST
		ART UNIT		PAPER NUMBER
		3625		

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/679,262	Applicant(s) RHOADS, GEOFFREY B.
	Examiner Forest Thompson Jr.	Art Unit 3625
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>12 April 2004</u> .		
2a) <input checked="" type="checkbox"/> This action is FINAL . 2b) <input type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.		
Disposition of Claims		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-13</u> is/are pending in the application.		
4a) Of the above claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1-13</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.		
Application Papers		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.		
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).		
11) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.		
Priority under 35 U.S.C. § 119		
12) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.		
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
* See the attached detailed Office action for a list of the certified copies not received.		
Attachment(s)		
1) <input type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: _____.		

DETAILED ACTION

Response to Amendment

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action mailed 01/09/2004. The text of those sections of Title 35, U.S. Code not otherwise provided in a prior Office action will be included in this action where appropriate.
2. This action is in response to applicant's arguments and amendment filed 04/12/2004. Applicant amended the specification, added new claims 12-13, and argues the rejection of claims 1-11 with reference to the prior art used in the Action mailed 01/09/04. Claims 1-13 are pending.
3. Claims 1-13 have been examined.

Claim Rejections - 35 USC § 102

4. Claim 10 was rejected in the Action mailed 01/09/04 under 35 U.S.C. 102(e) as being anticipated by Perkowski (U.S. Patent No. 5,950,173). This rejection is modified to encompass applicant's new claim.
5. Claims 10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Perkowski (U.S. Patent No. 5,950,173).

Examiner's Note: Examiner has cited particular columns and line numbers in the reference as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim 10. Perkowski discloses:

- scanning machine-readable indicia on a tag associated with a garment (col. 6 lines 12-20; col. 17 line 36 – col. 18 line 12);
- decoding multi-bit data from said scanned indicia (col. 6 lines 12-20; col. 17 line 36 – col. 18 line 12);
- through use of at least a portion of said multi-bit data, identifying clothes or accessories that may complement said garment (Abstract; col. 5 lines 10-18; col. 21 lines 18-27; col. 24 lines 5-14).

Claim 13: Perkowski explicitly teaches said identifying includes querying a database to obtain a mini-catalog of clothes or accessories that have previously been identified as complementing the garment (Abstract; col. 5 lines 10-18; col. 24 lines 5-14).

Claim Rejections - 35 USC § 103

6. Claims 1-9 are rejected in the Action mailed 01/09/04 under 35 U.S.C. 103(a) as being unpatentable over Bloomberg et al. (U.S. Patent No. 5,765,176), and further in view of Shkedy (U.S. Patent No. 6,260,024).

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim 1. Bloomberg teaches providing a printed catalog that includes an image of an article offered for sale by a merchant, and the image is steganographically encoded with plural-bit binary data in the functionality of the teaching:

- Encoded data embedded in an iconic, or reduced size, version of an original text image is decoded and used in a variety of document image management applications to provide input to, or to control the functionality of, an application. The iconic image may be printed in a suitable place (e.g., the margin or other background region) in the

original text image so that a text image so annotated will then always carry the embedded data in subsequent copies made from the annotated original. (Abstract)

- Image marking and encoding techniques are used in a wide variety of applications to insert, or embed, encoded information into an image; the embedded information is then subsequently decoded and used for a variety of purposes, some of which include carrying out tasks that can be generally classified as document image management tasks. (col. 2 lines 26-31)
- The field of innocuous, or surreptitious, image marking is known as Stegography, or "covered writing." Data glyph technology is a category of embedded encoded information that is particularly advantageous for use in applications that require the embedded data to be robust for decoding purposes yet inconspicuous, or even surreptitious, in the resulting image. Data glyph technology encodes digital information in the form of binary 1's and 0's which are then rendered in the form of very small linear marks. Generally, each small mark represents a digit of binary data; whether the particular digit is a digital 1 or 0 depends on the linear orientation of the particular mark. For example, in one embodiment, marks which are oriented from top left to bottom right may represent a 0, while marks oriented from bottom left to top right may represent a 1. The individual marks are of such a size relative to the maximum resolution of a printing device as to produce an overall visual effect to a casual observer of a uniform gray halftone area when a large number of such marks are printed together on paper, and the halftone area in the document, when incorporated in an image border or graphic, does not explicitly suggest that embedded data is present. A viewer of the image could

perhaps detect only by very close scrutiny that the small dots forming the gray halftone area are a series of small marks which together bear binary information. U.S. Pat. Nos. 5,091,966, 5,128,525, 5,168,147, 5,221,833, 5,245,165, 5,315,098, and 5,449,895, and U.S. patent application Ser. No. 07/560,514, all assigned to the assignee of the present invention, provide additional information about the uses, encoding and decoding techniques of data glyphs. For example, U.S. Pat. No. 5,315,098, entitled "Methods and Means for Embedding Machine readable Digital Data in Halftone Images," discloses techniques for encoding digital data in the angular orientation of circularly asymmetric halftone dot patterns that are written into the halftone cells of digital halftone images, and U.S. Pat. No. 5,168,147 by the named inventor herein and entitled "Binary Image Processing for Decoding Self-Clocking Glyph Shape Codes," discloses image processing techniques, including image morphology techniques, for decoding glyph codes embedded in scanned images. (col. 2 lines 43- - col. 3 line 16)

- An interface means is provided between a computer that operates on and stores electronic document files and a printing device, where the printing device prints on a hardcopy document both the human readable renderings of an electronic document and machine readable attributes of the electronic document. The machine readable attributes are recoverable from the code printed on the hardcopy document when information carried by the document is transformed from the hardcopy domain to the electronic domain, such as for example by scanning the physical document. Data

glyphs are disclosed as a way of encoding the machine readable attributes of the electronic document on the hardcopy document. (col. 3 lines 23-35)

- A related practice in the field of steganography is that of image marking, sometimes referred to as "digital watermarking," analogous to the practice of marking paper with a largely indiscernible design during manufacture. In document marking applications, one or more codewords are embedded in a document image in a manner that is substantially indiscernible to a reader but can be reliably recovered and decoded. For example, using the least significant bit of each pixel in an eight bit per pixel grayscale image to encode a message would cause little or no impact on the appearance of the image, yet a 480 pixel wide by 100 pixel high image could theoretically contain a message of more than 5,000 characters. The same principles apply to audio and video files as well. Moreover, the image can be used simply as a carrier, with the message first being encrypted. In many applications, the goal of concealment of the encoded data is typically an important one in those applications in which the document is being marked so that it may be traced or authenticated.. (col. 4 lines 13-31)

Additionally, Bloomberg teaches:

- optically sensing the image to produce image data corresponding thereto (col. 3 lines 28-35; col. 29 lines 13-22);
- decoding the steganographically encoded data from the image data (col. 4 lines 13-31; col. 29 lines 13-22); and

- electronically ordering the article from the merchant by use of said decoded data (col. 2 lines 26-42; col. 28 lines 40-51).

Bloomberg does not explicitly disclose said ordering makes use of earlier-stored customer profile information. However, Shkedy teaches said ordering makes use of earlier-stored customer profile information (col. 12 line 56 – col. 13 line 44). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Bloomberg to explicitly teach said ordering makes use of earlier-stored customer profile information, as disclosed by Shkedy, for the motivation of facilitating electronic commerce between buyers and a seller.

Claim 2. Neither Bloomberg nor Shkedy explicitly discloses the customer profile information includes clothing size data. However, Shkedy does explicitly teach providing selected buyer information to the seller (col. 12 line 56 – col. 13 line 44). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Bloomfield to explicitly teach providing selected buyer information to the seller, as disclosed by Shkedy, for the motivation of facilitating electronic commerce between buyers and a seller.

Claims 3, 4, 5: Bloomberg discloses:

- processing the decoded data for transmission to a remote computer, said processing including supplementing the decoded data with supplemental data corresponding to the customer (col. 28 lines 40-51); and

- transmitting the processed data to remote location (col. 2 lines 26-42); and
- receiving first order from the remote location or merchant, responsive to the transmitted processed data, and presenting the first order data to the customer (col. 30 line 46 –col. 31 line 8).

Bloomberg does not explicitly disclose transmitting the processed data to the remote merchant computer; receiving from the user further input selecting among options included in the first order data; the supplemental data includes the customer profile information; the supplemental data includes data identifying the customer; nor transmitting said further input to the remote merchant computer. However, Shkedy discloses transmitting the processed data to the remote merchant computer; receiving first order data from the remote merchant computer, responsive to the transmitted processed data; presenting the first order data to the customer; receiving from the user further input selecting among options included in the first order data; the supplemental data includes the customer profile information; the supplemental data includes data identifying the customer; and transmitting said further input to the remote merchant computer (col. 5 line 7 – col. 8 line 15). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Bloomberg to explicitly disclose transmitting the processed data to the remote merchant computer, receiving from the user further input selecting among options included in the first order data, the supplemental data includes the customer profile information, the supplemental data includes data identifying the customer, and transmitting said further

input to the remote merchant computer, as disclosed by Shkedy, for the motivation of facilitating electronic commerce.

Claim 6. Bloomberg teaches providing a printed catalog that includes an image of an article offered for sale by a merchant, and machine-readable indicia representing multi-bit data associated with said article in the functionality of the teaching:

- Encoded data embedded in an iconic, or reduced size, version of an original text image is decoded and used in a variety of document image management applications to provide input to, or to control the functionality of, an application. The iconic image may be printed in a suitable place (e.g., the margin or other background region) in the original text image so that a text image so annotated will then always carry the embedded data in subsequent copies made from the annotated original. (Abstract)
- Image marking and encoding techniques are used in a wide variety of applications to insert, or embed, encoded information into an image; the embedded information is then subsequently decoded and used for a variety of purposes, some of which include carrying out tasks that can be generally classified as document image management tasks. (col. 2 lines 26-31)
- The field of innocuous, or surreptitious, image marking is known as Stegography, or "covered writing." Data glyph technology is a category of embedded encoded information that is particularly advantageous for use in applications that require the embedded data to be robust for decoding purposes yet inconspicuous, or even surreptitious, in the resulting image. Data glyph technology encodes digital information

in the form of binary 1's and 0's which are then rendered in the form of very small linear marks. Generally, each small mark represents a digit of binary data; whether the particular digit is a digital 1 or 0 depends on the linear orientation of the particular mark. For example, in one embodiment, marks which are oriented from top left to bottom right may represent a 0, while marks oriented from bottom left to top right may represent a 1. The individual marks are of such a size relative to the maximum resolution of a printing device as to produce an overall visual effect to a casual observer of a uniform gray halftone area when a large number of such marks are printed together on paper, and the halftone area in the document, when incorporated in an image border or graphic, does not explicitly suggest that embedded data is present. A viewer of the image could perhaps detect only by very close scrutiny that the small dots forming the gray halftone area are a series of small marks which together bear binary information. U.S. Pat. Nos. 5,091,966, 5,128,525, 5,168,147, 5,221,833, 5,245,165, 5,315,098, and 5,449,895, and U.S. patent application Ser. No. 07/560,514, all assigned to the assignee of the present invention, provide additional information about the uses, encoding and decoding techniques of data glyphs. For example, U.S. Pat. No. 5,315,098, entitled "Methods and Means for Embedding Machine readable Digital Data in Halftone Images," discloses techniques for encoding digital data in the angular orientation of circularly asymmetric halftone dot patterns that are written into the halftone cells of digital halftone images, and U.S. Pat. No. 5,168,147 by the named inventor herein and entitled "Binary Image Processing for Decoding Self-Clocking Glyph Shape Codes," discloses image processing techniques, including image morphology

techniques, for decoding glyph codes embedded in scanned images. (col. 2 lines 43- - col. 3 line 16)

- An interface means is provided between a computer that operates on and stores electronic document files and a printing device, where the printing device prints on a hardcopy document both the human readable renderings of an electronic document and machine readable attributes of the electronic document. The machine readable attributes are recoverable from the code printed on the hardcopy document when information carried by the document is transformed from the hardcopy domain to the electronic domain, such as for example by scanning the physical document. Data glyphs are disclosed as a way of encoding the machine readable attributes of the electronic document on the hardcopy document. (col. 3 lines 23-35)

- An interface means is provided between a computer that operates on and stores electronic document files and a printing device, where the printing device prints on a hardcopy document both the human readable renderings of an electronic document and machine readable attributes of the electronic document. The machine readable attributes are recoverable from the code printed on the hardcopy document when information carried by the document is transformed from the hardcopy domain to the electronic domain, such as for example by scanning the physical document. Data glyphs are disclosed as a way of encoding the machine readable attributes of the electronic document on the hardcopy document. (col. 4 lines 13-31)

Additionally, Bloomberg teaches:

- optically sensing the indicia to produce image data corresponding thereto (col. 3 lines 28-35; col. 29 lines 13-22);
- decoding the multi-bit data from the image data (col. 4 lines 13-31; col. 29 lines 13-22); and
- transmitting at least a portion of said multi-bit data to a first computer (col. 2 lines 26-42),
- transmitting data from the first computer to a second computer, said data serving to identify the article (col. 2 lines 26-42); and
- presenting selection data from the second computer to a user (col. 28 lines 4-29).

Bloomberg does not explicitly disclose transmitting data identifying the user to a first computer; said selection data representing at least one of (a) colors, (b) styles and (c) sizes associated with said article; nor receiving input from the user selecting among the presented selection data, and transmitting same to the merchant. However, Shkedy discloses:

- transmitting data identifying the user to a first computer (col. 13 line 62 – col. 14 line 6);
- said selection data representing a particular item from a selected category, with a description of the goods entered by the buyer (col. 13 lines 7-44), which encompasses at least one of (a) colors, (b) styles and (c) sizes associated with said article; and
- receiving input from the user selecting among the presented selection data, and transmitting same to the merchant (col. 13 line 7 – col. 14 line 29).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Bloomberg to explicitly disclose said selection data representing at least one of colors, styles and sizes associated with said article, receiving input from the user selecting among the presented selection data, and transmitting same to the merchant, as disclosed by Shkedy, for the motivation of facilitating electronic commerce.

Claim 9. Bloomfield discloses transmitting selection data from the second computer to a user computer (col. 30 line 46 – col. 31 line 8).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomberg et al. (U.S. Patent No. 5,765,176), and further in view of Shkedy (U.S. Patent No. 6,260,024) and O'Neill et al. (U.S. Patent No. 6,219,653).

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim 7. Neither Bloomberg nor Shkedy disclose consulting earlier-stored user profile data, nor customizing the selection data presented to the user in accordance with said profile data. However, O'Neill et al. discloses consulting earlier-stored user profile data, and customizing the selection data presented to the user in accordance with said profile data (col. 2 lines 42-63). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosures of Bloomberg and Shkedy to explicitly consult earlier-stored user profile data, and customize the selection data presented to the user in accordance with said profile data, as disclosed by O'Neill et al., for the motivation of facilitating electronic commerce.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomberg et al. (U.S. Patent No. 5,765,176), and further in view of Shkedy (U.S. Patent No. 6,260,024) and Official Notice.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art

or disclosed by the examiner.

Claim 8. Neither Bloomberg nor Shkedy explicitly discloses sensing the indicia with a peripheral device that includes an optical sensor and a wireless link to an associated processing device. Bloomberg does disclose sensing the indicia with a peripheral device. Official Notice is taken that a peripheral device that includes an optical sensor and a wireless link to an associated processing device that can be used to scan/detect indicia was old and well known in the technological arts at the time the invention was made. A common use of such a device was for reading indicia of articles on shelves in stores for the purpose of inventorying on-hand stock or compiling a shopping list. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosures of Bloomberg and Shkedy to explicitly sense the indicia with a peripheral device that includes an optical sensor and a wireless link to an associated processing device, as disclosed by old and well known art, for the motivation of expediting a purchase/choice of a product by a customer and facilitating electronic commerce.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski (U.S. Patent No. 5,950,173) and further in view of Kawahara et al.; "Virtual Fitting Room with Spoken Dialog Interface;" Department of Information Science, Kyoto University (printed in IPSJ Journal vol. 39, no. 05, 1995-1999).

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim 11. Perkowski discloses presenting at least certain of said clothes or accessories to a user on a display screen, using a fashion model that also includes said garment (col. 21 lines 18-27). Perkowski does not explicitly disclose a synthesized model. However, Kawahara et al. discloses presenting at least certain of said clothes or accessories to a user on a display screen, using a synthesized model that also includes said garment (pg. 3 section 3.1), which encompasses a synthesized model. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Perkowski to explicitly disclose using a synthesized model that also includes said garment, as disclosed by Kawahara et al., for the motivation of facilitating electronic commerce by the representation of selected products in a manner acceptable or suggestive to potential buyers.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski (U.S. Patent No. 5,950,173) as applied to claim 10 above, and further in view of Bloomberg (U.S. Patent No. 5,765,176).

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim 12: Perkowski does not explicitly teach the multi-bit data is steganographically encoded on the tag. However, Bloomberg teaches the multi-bit data is steganographically encoded on the tag (col. 4 lines 13-31). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Perkowski to explicitly steganographically encode the multi-bit data on the tag, as taught by Bloomberg, for the motivation of facilitating product purchases by customers.

Response to Arguments

11. Applicant's arguments filed 04/12/2004 have been fully considered but they are not persuasive.

Applicant argues, at pg. 6, that claim 10 makes reference to scanning a tag associated with a garment. Applicant finds no mention of a tag in the excerpt cited in the Action (i.e., col. 6 lines 12-20), nor elsewhere in the reference . . . Moreover, Perkowski is not understood to perform the "identifying" act of claim 10. Instead of identifying clothing or accessories, Perkowski teaches identifying a QuickTime video clip (i.e., by its URL).

Examiner disagrees. Perkowski teaches:

- Another object of the present invention is to provide such a system, in which the URLs stored in the Internet-based product information database are categorically arranged and displayed according to specific types of product information (e.g., product specifications and operation manuals; product wholesalers and retailers; product advertisements and promotions; product endorsements; product updates and reviews; product warranty/servicing; related or complementary products; product incentives including rebates, discounts and/or coupons; etc.) that relates to the kind of information required, desired or otherwise sought by consumers, wholesalers, retailers and/or trading partners. (col. 5 lines 10-21)
- a predesignated information resource (e.g. advertisement, product information, etc.) pertaining to any commercial product registered with the system can be automatically accessed from the Internet and displayed from the Internet browser by

simply entering the registered product's UPN into the Internet browser manually or by bar code symbol scanning. (col. 6 lines 12-20)

- As shown, the Web-based kiosk of the present invention comprises: a floor, wall or ceiling supported housing 25; an onmidirectional laser bar code symbol reader (e.g. Metrologic MS 6720 Laser Scanner) 26 for reading UPC (and other type of) symbols printed on products, brochures, documents and the like; an active-matrix LCD-type visual display screen 27 for viewing product related information automatically displayed thereon in response to the entry of the UPC numbers scanned into the UPC Number Entry Window 21D below the IPI Finder button 21A of Control Strip 20B displayed on the Client System, as shown in FIG. 3A2; a touch-screen type keyboard and pointing device 28 for clicking on anchored links on Web pages, entering information into Client System during its use; audio-speakers 29A for supporting a multimedia Web-site that may be visited when using the Client System; a color or black/white printer for printer 29B for printing out Web pages under consumer command during an information finding session using the system; and also, one or more floppy-disc(s) (or otherwise removable) drive units 29C, accessible to the consumer for recording promotional and trial versions of information-based consumer products (e.g. video and audio recordings, computer software products, and the like) on removable information storage media (e.g. 1.44 MB floppy discs, 100 MB Zip.RTM. floppy discs, 1 GB Jazz.RTM. floppy discs, etc.) supplied by either the retailer or consumer. Optionally, the kiosk can be provided with a stereoscopic micropolarizing LCD panel from Vrex, Inc. of Elmsford, N.Y. so that micropolarized spatially-multiplexed images (SMIs) of 3-D objects

represented with VRML-encoded Web pages can be stereoscopically perceived by consumers when viewed through either an electrically-passive polarizing visor structure supported from the housing of the kiosk, or a pair of polarizing eyeglasses tethered to the kiosk housing and donned by the consumer. Notably, by virtue of its compact size and low power requirements, this Web-based kiosk can be easily located in supermarkets, department stores, superstores, home-centers, discount retail outlets, or any other public location where consumer-products are being sold, offered for sale, and/or serviced. (col. 17 line 36 – col. 18 line 12)

Perkowski teaches identifying products and related or complementary products in the above teaching. Applicant's claimed aspect of a tag is encompassed by this disclosure in the context of , for example, a predesignated information resource (e.g. advertisement, product information, etc.) pertaining to any commercial product registered with the system Therefore, this disclosure encompasses applicant's claimed aspects. Therefore, examiner maintains the rejection.

Applicant argues, at pg. 6, that the action states that Bloomberg teaches "*providing a printed catalog that includes an image offered for sale by a merchant, the image is steganographically encoded with plural-bit binary data.*" However, applicant finds no such teaching in that reference . . . The cited excerpts from Bloomberg do not appear to so teach.

Examiner disagrees. Bloomberg teaches providing a printed catalog that includes an image of an article offered for sale by a merchant, and the image is steganographically encoded with plural-bit binary data in the functionality of the teaching:

- Encoded data embedded in an iconic, or reduced size, version of an original text image is decoded and used in a variety of document image management applications to provide input to, or to control the functionality of, an application. The iconic image may be printed in a suitable place (e.g., the margin or other background region) in the original text image so that a text image so annotated will then always carry the embedded data in subsequent copies made from the annotated original. (Abstract)
- Image marking and encoding techniques are used in a wide variety of applications to insert, or embed, encoded information into an image; the embedded information is then subsequently decoded and used for a variety of purposes, some of which include carrying out tasks that can be generally classified as document image management tasks. (col. 2 lines 26-31)
- The field of innocuous, or surreptitious, image marking is known as Stegography, or "covered writing." Data glyph technology is a category of embedded encoded information that is particularly advantageous for use in applications that require the embedded data to be robust for decoding purposes yet inconspicuous, or even surreptitious, in the resulting image. Data glyph technology encodes digital information in the form of binary 1's and 0's which are then rendered in the form of very small linear marks. Generally, each small mark represents a digit of binary data; whether the particular digit is a digital 1 or 0 depends on the linear orientation of the particular mark.

For example, in one embodiment, marks which are oriented from top left to bottom right may represent a 0, while marks oriented from bottom left to top right may represent a 1. The individual marks are of such a size relative to the maximum resolution of a printing device as to produce an overall visual effect to a casual observer of a uniform gray halftone area when a large number of such marks are printed together on paper, and the halftone area in the document, when incorporated in an image border or graphic, does not explicitly suggest that embedded data is present. A viewer of the image could perhaps detect only by very close scrutiny that the small dots forming the gray halftone area are a series of small marks which together bear binary information. U.S. Pat. Nos. 5,091,966, 5,128,525, 5,168,147, 5,221,833, 5,245,165, 5,315,098, and 5,449,895, and U.S. patent application Ser. No. 07/560,514, all assigned to the assignee of the present invention, provide additional information about the uses, encoding and decoding techniques of data glyphs. For example, U.S. Pat. No. 5,315,098, entitled "Methods and Means for Embedding Machine readable Digital Data in Halftone Images," discloses techniques for encoding digital data in the angular orientation of circularly asymmetric halftone dot patterns that are written into the halftone cells of digital halftone images, and U.S. Pat. No. 5,168,147 by the named inventor herein and entitled "Binary Image Processing for Decoding Self-Clocking Glyph Shape Codes," discloses image processing techniques, including image morphology techniques, for decoding glyph codes embedded in scanned images. (col. 2 lines 43- - col. 3 line 16)

Therefore, examiner maintains the rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FT 
07/01/2004



Jeffrey A. Smith
Primary Examiner